



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, APRIL 10, 2003**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 10, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Michael Ulasewich, Austin Presbyterian Theological Seminary

Mayor Garcia called the Council Meeting to order at 12:09 p.m.

Mayor Garcia recessed the meeting at 12:12 p.m. to go into Executive Session

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

Item 1 was discussed later in the meeting.

2. Discuss legal issues related to *Save Our Springs Alliance and Circle C Neighborhood Association v. The City of Austin, Circle C Land Corporation and Stratus Properties, Inc.*, Cause Number GN202018 in the 261st Judicial District Court of Travis County, Texas (concerns the state grandfathering statute, Chapter 245 of the Texas Local Government Code) and discuss legal issues related to *Save Our Springs Alliance v. The City of Austin and Circle C Land Corporation*, Cause Number GN 300095 in the 126th Judicial District Court of Travis County, Texas (concerns the settlement agreement between the City and Circle C Land Corporation concerning development of land in the Barton Springs Recharge Zone).

This item was removed from the agenda.

3. Discuss legal issues concerning proposed legislation in the 78th Legislature, including issues relating to grandfathering, hospital districts, annexation, water rights, taxation, employment law, and land use and development law.

4. Discuss legal issues related to *Austin 360 Associates, L.P. v. the City of Austin*, Cause Number GN001372 in the 261st Judicial District Court of Travis County, Texas (concerns development of land in the Great Hills area, near Bluffstone Drive and Loop 360).

Real Property - Section 551.072

5. Discuss acquisition of an interest in real property for the Open Space Project (November 2000 Bond Election) through City's Agreement with Hill Country Conservancy ("HCC"). (Related Item 7)
This item was removed from the agenda.

Executive Session ended at 1:25 p.m.

Mayor Garcia called the regular Council Meeting back to order at 1:33 p.m.

CITIZEN COMMUNICATIONS: GENERAL

- Chip Harris - CS-1 Zoning
- Gus Pena - (1) To Discuss City of Austin Budget and Its Adverse Negative Impact on the Residents of the City of Austin, Especially the Poor, Have Nots, and Disenfranchised. **Not present when called.**
- Karla Manzar VanderBrook - Rezoning of 7600 N. Lamar for Liquor Store.
- Stephanie L. Phillips - Neighborhood Planning - Zoning.
- Pat Valls-Trelles - None
- Thomas Ibis - Avery Ranch - Will the City every address the problems with Avery Ranch

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-0 vote. Council Member Dunkerley was off the dais.

6. Approval of minutes from work session of April 2, 2003 and the regular meeting of April 3, 2003.
The minutes from the work session of April 2, 2003 and the regular meeting of April 3, 2003 were approved.
7. Consider approving a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 2,310 acres in Hays County in the Barton Springs Contributing Zone, through a conservation easement pursuant to the City's agreement with Hill Country Conservancy ("HCC"), to be purchased with Open Space bond funds [November 2000]. (Related Item 5)
This item was postponed to April 24, 2003.
8. Approve an ordinance amending Chapter 2-7, (Records Management), of the Austin City Code.
Ordinance No. 030410-08 was approved.

9. Approve an ordinance amending Exhibits A, B, and C of Ordinance No. 030227-18 calling the May 3, 2003, General Election to adopt certain changes to election day polling place locations, the list of election day precinct judges, and early voting places respectively.
Ordinance No. 030410-09 was approved.
10. Approve an amendment to the Travis County and City of Austin Election Agreement regarding election expenses.
The motion authorizing an amendment was approved.
11. Approve third reading of an ordinance granting to Time Warner Entertainment/Advance-Newhouse a six year franchise extension, as provided for in the franchise granted by Ordinance Number 960613-A.
Ordinance No. 030410-11 was approved.

Item 12 was pulled for discussion.

13. Approve designation of ADOLFO M. VALADEZ, M.D., M.P.H., as Alternate Health Authority for Austin/Travis County Health and Human Services Department effective April 10, 2003. (Funding was included in the Fiscal Year 2002-2003 Approved Operating Budget of the Health and Human Services Department Budget.)
The motion authorizing a designation as alternate Health Authority was approved.

Item 14 was pulled for discussion.

15. C14-02-0065 - 14.44 Joint Venture - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Manchaca Road at Ravenscroft Drive (Slaughter Creek Watershed) from RR, Rural Residence district zoning to LR-CO, Limited Office-Conditional Overlay Combining district zoning for Tract 1, and LO-CO, Limited Office-Conditional Overlay Combining district zoning for Tract 2. First reading on February 13, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: 14.44 Joint Venture (Kevin McRight). Agent: Urban Design Group (Laura Touns). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 030410-15 was approved.
16. C14-02-0066 - 14.44 Joint Venture - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Manchaca Road at Ravenscroft Drive (Slaughter Creek Watershed) from RR, Rural Residence district zoning to LR-CO Neighborhood Commercial-Conditional Overlay Combining district zoning for Tract 1, and LO-CO, Limited Office-Conditional Overlay Combining district zoning for Tract 2. First reading on February 13, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: 14.44 Joint Venture (Kevin McRight). Agent Urban Design Group (Laura Touns). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 030410-16 was approved.
17. C14-02-0004 - Libby Lane Storage- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6301 F.M. 969 (Walnut Creek Watershed) from LO, Limited Office district zoning to W/LO-CO, Warehouse/Limited Office-Conditional Overlay Combining district zoning.

First reading on April 25, 2002. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant and Agent: Darwin McKee. City Staff: Annick Beaudet, 974-2975.

Ordinance No. 030410-17 was approved.

18. C14-02-0105 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1502 West Koenig Lane (Shoal Creek Watershed) from SF-3, Family Residence district zoning to LO-MU, Limited Office-Mixed Use Combining district zoning as originally requested by the applicant. City Council approved NO, Neighborhood Office district zoning at second reading. Second Reading on January 30, 2003; Vote: 6-1, G. Garcia - nay. First Reading on September 26, 2002; Vote: 7-0. Conditions met as follows: No conditions were imposed at second ordinance reading. Applicant: Charles Demel. Agent: Brad Greenblum. City Staff: Glenn Rhoades, 974-2775.

This item was postponed to April 24, 2003.

19. Consider on third reading an ordinance amending the Austin Tomorrow Comprehensive Plan for Tracts 33 (2805 & 2811 E. 5th Street), 56 (405 Tillery Street), 106a (730 Shady Lane), 111a (777 Shady Lane), 111b (777 Shady Lane), and 169 (821 Gunter Street) as part of the Govalle/Johnston Terrace Combined Neighborhood Plan. (December 18, 2002, Planning Commission voted to recommend the Govalle/Johnston Terrace Neighborhood Plan to the City Council for adoption.) (Related Item 20)

This item was postponed to April 24, 2003.

20. C14-02-0183 (PART) - Govalle/Johnston Terrace Combined Neighborhood Planning Area Rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning properties locally known as Tract 33 (2805 & 2811 E. 5th St.), Tract 56 (405 Tillery St.), Tract 106a (730 Shady Ln.), Tract 111a (777 Shady Ln.), Tract 111b (777 Shady Ln.), and Tract 169 (821 Gunter St.). The Govalle/Johnston Terrace Combined Neighborhood Planning Area boundaries are Oaks Springs Road, Airport Boulevard and Austin & N.W. Railroad on the north, U.S. Highway 183 - Ed Bluestein Boulevard on the east, Colorado River on the south, and Pleasant Valley Road and Webberville Road on the west (Boggy Creek, Colorado River, Fort Branch and Tannehill Creek Watersheds). The proposed zoning changes will include these properties in the Govalle Neighborhood Plan Combining District. The proposed zoning will change the base zoning on six (6) tracts of land from: LI, Limited Industrial Services district and CS, General Commercial Services district zoning to GR-MU-NP, Community Commercial-Mixed Use-Neighborhood Plan Combining district, CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district, LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district, and LR-MU-CO-NP, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district zoning. First Reading on February 13, 2003; Vote: 7-0 on a portion, 6-0-1 on a portion with Alvarez abstaining and 6-0 on a portion with Garcia off the dais. Second reading on March 6, 2003; Vote: 6-0 on a portion with Dunkerley off the dais, and 5-0-1 on a portion with Alvarez abstaining and Dunkerley off the dais. Conditions met as follows: Conditional Overlays and Restrictive Covenants incorporates the conditions imposed or accepted by City Council at second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Rossiter. 974-2598. Note: Valid petitions have been filed by property owners in opposition to this rezoning request. (Related Item 19)

This item was postponed to April 24, 2003.

21. Amend Ordinance No. 020910-04, the ordinance authorizing fees, fines and other charges to be charged by City departments for Fiscal Year 2002-2003, to increase fees for reimbursed overtime of the Austin Police Department in order to implement the terms of the Meet and Confer Contract and to add a 5% administrative fee to cover administrative costs. (The department estimates an increase of \$45,000 in fees related to the 5% administrative fee. This administrative fee will help to offset the associated administrative costs incurred by the Police Department to provide this service. Additional reimbursement for officer time will be offset by the increased salary cost of police officers.)

Ordinance No. 030410-21 was approved.

22. Approve a resolution authorizing the fee simple acquisition of Lot 41, Linda Vista Subdivision, locally known as 10605 Linda Vista, from Carlos & Carolina Haros for the Airport Noise Mitigation Program, in the amount of \$112,000 for property and \$17,900 for relocation benefits, plus closing costs and moving related assistance not to exceed \$44,000, for a total amount not to exceed \$173,900. (Funding in the amount of \$173,900 available in the Fiscal Year 2002-2003 Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) grants.)

Resolution No. 030410-22 was approved.

23. Approve a resolution authorizing the fee simple acquisition of Lot 13, Linda Vista Subdivision, locally known as 10706 Linda Vista Drive, from Elizabeth Cordero for the Airport Noise Mitigation Program, in the amount of \$49,000 for the land and \$55,000 for relocation benefits, plus closing cost and moving related assistance not to exceed \$44,000, for a total amount not to exceed \$148,000. (Funding in the amount of \$148,000 is available in the Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)

Resolution No. 030410-23 was approved.

24. Authorize execution of a construction contract with MW BUILDERS of TEXAS, INC., Temple, TX, for the South Austin Regional Wastewater Treatment Plant - Train C South Project in the amount of \$24,627,000 plus an \$800,000 contingency, for a total contract amount not to exceed \$25,427,000. (Funding in the amount of \$4,870,000 is included in the Fiscal Year 2002-2003 Amended Capital Budget and \$20,557,000 is included in the Fiscal Year 2001-2002 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of Three Bids Received. 18.92% MBE, and 7.45% WBE subcontractor participation. (Recommended by Water & Wastewater Commission.)

The motion authorizing the execution of a construction contract was approved.

25. Authorize execution of a contract with AGILENT TECHNOLOGIES, INC., Wilmington, DE for the purchase and installation of a Gas Chromatography, Mass Spec System (GC/MS) in an amount not to exceed \$84,069.38. (Funding is available in the Fiscal Year 2002-2003 Approved Operating Budget for the Water and Wastewater Utility.) Low bidder meeting the bid specifications This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

26. Authorize execution of a contract through the State of Texas with MOBILE-VISION, INCORPORATED, Euless, TX, for 31 video/audio mobile law enforcement recording systems and for the upgrade 60 basic video systems for the Austin Police Department in an amount not to exceed \$105,070. (Funding in the amount of \$105,070 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Austin Police Department.) This contract was competitively bid and awarded by the State of Texas, Texas Building and Procurement Commission.

The motion authorizing the execution of a contract was approved.

27. Authorize execution of a 12-month supply agreement with AQUATIC COMMERCIAL SOLUTIONS, San Antonio, TX for pool chemicals and maintenance/cleaning of chlorinating dispensers for City swimming pools in an amount not to exceed \$160,630, with two 12-month extension options in an amount not to exceed \$160,630 per extension option, for a total agreement amount not to exceed \$481,890. (Funding in the amount of \$80,081.52 is available in the Fiscal Year 2002-2003 Operating Budget of the Parks & Recreation Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of five bids received This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply agreement was approved.

28. Authorize execution of a 12-month service agreement with NATIONAL PRESORT SERVICES, Austin, TX for printing and mail processing services of delinquent notices for the Municipal Court in an amount not to exceed \$73,925, with two 12-month extension options in an amount not to exceed \$73,925, for a total agreement amount not to exceed \$221,775. (Funding in the amount of \$36,962.50 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Municipal Court. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder meeting specifications of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a service agreement was approved.

29. Approve an ordinance to amend Section 25-2-773 of the City code related to duplex residential use and repealing Ordinance No. 030227-28 related to the duplex residential use moratorium. (Reviewed by Planning Commission.)

This item was postponed to April 24, 2003.

30. Approve an ordinance amending Subchapter D of 25-2 of the City Code related to Neighborhood Planning Combining District infill and redevelopment options.(Recommended by Planning Commission with additional amendment.)

This item was postponed to April 24, 2003.

31. Approve an ordinance amending Section 16-4-12 of the City Code relating to streets with a maximum speed limit of 15 m.p.h. to repeal Subsection (3) and (4); repealing and replacing Section 16-4-13 relating to streets with a maximum speed limit of 20 m.p.h.; and repealing and replacing Section 16-4-14 relating to streets with a maximum speed limit of 25 m.p.h. (Funding in the amount of \$2,780 is available in the 2002-2003

Operating Budget of the Transportation, Planning & Sustainability Department for installation of the appropriate speed limit signs.)

Ordinance No. 030410-31 was approved.

32. Approve a time extension to the existing Professional Service Agreements with the following four firms: LOCKWOOD, ANDREWS & NEWNAM, INC. Austin, TX; HNTB CORPORATION, Austin, TX; METCALF & EDDY, INC., Austin, TX; and PBS&J, Austin, TX to provide professional engineering services for water system improvements to meet minimum standards, for an additional three years, for a total contract time of approximately six years, or until financial authorization is expended, whichever comes sooner. (Additional funding authorization is not required. Funding for remaining projects is available in the Capital Budget for the Water and Wastewater Utility.) Participation goals stated in the original rotation list solicitation were 8.6% MBE and 18.2%WBE. The scope of services for rotation contracts varies with each project and is not known until projects are assigned. (Recommended by Water and Wastewater Commission)

The motion authorizing an extension to the existing Professional Service Agreements was approved.

33. Ratify a construction contract with BENITEZ CONSTRUCTION, INC., (MBE/MH), Pflugerville, TX., for construction of the Jett Lane Wastewater Replacement project in the amount of \$162,260.00.(Funding is included in the 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) MBE/WBE goals were not set since this was an emergency action. (Recommended by Water and Wastewater Commission.)

The motion ratifying a construction contract was approved.

Item 34 was reconsidered later in the meeting.

35. Board and Commission Appointments.
The following appointments were made:

<u>Board/Consensus/ Appointee</u>	<u>Appointment/ Council Nominee</u>	<u>Reappointment</u>
<u>Airport Advisory Commission</u>		
Bradford Hughes	Consensus	Appointment

Item 36 was pulled for discussion.

37. Approve an ordinance waiving the signature requirement under Chapter 15-11 of the City Code for the 25th Annual Old Pecan Street Springs Arts Festival to be held May 3 and 4, 2003. (Council Member Raul Alvarez, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)

Ordinance No. 030410-37 was approved.

38. Approve an ordinance authorizing an amendment to Section 15-11-18 of the City Code providing for an administrative waiver of signatures required for a street event held on Congress Avenue or East Sixth Street for 10 or more years.(Council Member Raul Alvarez, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)

This item was postponed for 60 days.

39. Approve a resolution in support of City of Round Rock's Higher Education Center being planned jointly with the University of Texas at Austin and Austin Community College.(Council Member Betty Dunkerley and Mayor Pro Tem Jackie Goodman)
Resolution No. 030410-39 was approved.
40. Approve a resolution directing the City Manager to evaluate and to make recommendations to Council regarding membership with the Texas High Speed Rail and Transportation Corporation.(Council Member Daryl Slusher, Mayor Gus Garcia and Mayor Pro Tem Jackie Goodman)
Resolution No. 030410-40 was approved.
41. Set a public hearing to consider a variance request to allow construction of a parking area in the 100-year and 25-year floodplains of West Bouldin Creek at Town Lake Park. (Suggested date and time: April 24, 2003 at 6:00 p.m.)
The public hearing was set for April 24, 2003 at 6:00 p.m.
42. Set a public hearing to consider a variance request to allow construction of a room addition to an existing single-family residence in the 100-year and 25-year floodplains of Walnut Creek at 5711 Coolbrook Drive. (Suggested date and time: April 24, 2003 at 6:00 p.m.)
The public hearing was set for April 24, 2003 at 6:00 p.m.
43. Set a public hearing to consider a variance request to allow construction of a single-family residence in the 25-year floodplain of the Hancock Branch at 4707 Hilwin Circle. (Suggested date and time: April 24, 2003 at 6:00 p.m.)
The public hearing was set for April 24, 2003 at 6:00 p.m.

Mayor Garcia recessed the Council Meeting to go into Executive Session at 2:28 p.m.

EXECUTIVE SESSION

1. Discuss legal issues related to lease of Brackenridge Hospital and Children's Hospital of Austin.

The Mayor announced Item 12 would also be discussed in Executive Session.

Executive Session ended at 4:30 p.m.

Mayor Garcia called the regular Council Meeting back to order at 4:33 p.m.

DISCUSSION ITEM

12. Approve an ordinance amending Title 25 of the City Code relating to development around hazardous liquid pipelines, creating a new Chapter 8-18 of the City Code relating to insurance requirements for hazardous pipelines, amending Ordinance 020910-04 to add to the Building Plan Review Fee, a new Hazardous Pipeline Review Fee, and creating offenses. (3rd reading) (Recommended by Environmental Board; Planning Commission; and no recommendation made by Building and Fire Code Board.)

Ordinance No. 030410-12 was approved as amended below on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

The amendments from Council Member Slusher were to revise Part 7 to read, "Sections 25-2-516(C) and (D) do not apply to development under a building permit that is issued before the effective date of this ordinance. Part 11, the first sentence was revised to read, "Except for Parts 4 and 5, this ordinance takes effect 10 days after passage."

The friendly amendment from Council Member Alvarez was to delete the section 25-2-516(B) and add a new section 25-2-516(B) to read as follows: "(B) A use requiring evacuation assistance is prohibited in a structure intended for human occupancy that is located within 500 feet of a hazardous pipeline. This prohibition does not apply to a structure that is located between 200 and 500 feet of a hazardous pipeline if by resolution the Council determines, after receiving a recommendation from the fire chief, that: (1) the structure has a performance-based design that provides an adequate time period for occupant evacuation to a safe place in the event of a pipeline leak or fire associated with the pipeline, after considering: (a) the requirements of Chapter 25-12, Article 7 (Uniform Fire Code) and the 2000 edition of the National Fire Protection Association 101 Life Safety Code; (b) the site and structure design; (c) the structure's building materials; (d) the structure's distance from the pipeline; (e) the use of radiant energy barriers; (f) access to the site and the structure by emergency responders; (g) available on-site resources for emergency responders; (h) the topography and other natural features; (i) the use of the structure; and (j) the evacuation capability of the occupants; (2) the structure incorporates a system for the early detection and notification of a pipeline leak, if the fire chief determines that an appropriate system is commercially available; and (3) the performance-based design for occupant evacuation and the early detection and notification system are certified and sealed by an engineer registered in Texas."

ZONING CONSENT ITEMS

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. Consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second on a 7-0 vote.

- Z- 1 C14-03-0032 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5317-5699 East Ben White Boulevard; and 3400 and 3500 Comsouth Drive (Carson Creek Watershed) from CS-NP, General Commercial Services-Neighborhood Plan Combining district zoning and LI-NP, Limited Industrial Services-Neighborhood Plan Combining district zoning to CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining district zoning and LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district zoning. Planning Commission Recommendation: To be considered by the Commission on March 26, 2003. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.**

This item was withdrawn by staff.

- Z- 2 C14-03-0045 - Spare Space Storage- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9400-9432 Spectrum Drive (Lake Creek Watershed) from GR, Community Commercial district zoning to CS, General Commercial Services district zoning. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district zoning. Applicant: Parmer Spectrum East, L. P. (John Simmons). Agent: Drenner Stuart Wolfe Metcalfe von Kriesler (Michele Haussmann). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030410-Z2 was approved.

Item Z-3 was pulled for discussion.

- Z- 4 Conduct a public hearing on and consider action on an ordinance amending the City Code to approve a sixth amendment to the Agreement Concerning Creation and Operation of the Northtown Municipal Utility District (MUD) to revise the district land use plan by relocating the uses shown on the Land Use Plan Exhibit and by making text changes to the MUD consent agreement. (January 28, 2003 - The Zoning and Platting Commission unanimously recommended the 6th Amendment to the Northtown MUD.)
Ordinance No. 030410-Z4 was approved.

Items Z-5 and Z-6 were pulled for discussion.

ZONING DISCUSSION ITEMS

- Z- 3 C14-03-0041 - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7600 North Lamar Boulevard (Waller Creek Watershed) from CS, General Commercial Services district zoning to CS-1, Commercial-Liquor Sales district zoning. Planning Commission Recommendation: To deny CS-1, Commercial-Liquor Sales district zoning. Applicant: Charles and Judy Gentry. Agent: Cedarline Properties (Sayed Nicholas). City Staff: Glenn Rhoades, 974-2775.
The first reading of the ordinance was approved with the following amendment on Council Member Slusher's motion, Council Member Dunkerley's second on a 6-1 vote. Council Member Alvarez' voted nay. The amendment is to prohibit cocktail lounges and adult oriented businesses at this location.
- Z- 5 C14-02-0168 - Agape Christian Ministries - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7809 Peaceful Hill Lane (South Boggy Creek Watershed) from DR, Development Reserve district zoning to NO-CO, Neighborhood Office-Conditional Overlay Combining district zoning. Zoning and Platting Commission Recommendation: To grant NO-CO, Neighborhood Office-Conditional Overlay Combining district zoning. Applicant: Agape Christian Ministries (Lawrence Wilkerson). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request. (Related Item Z-6)
The public hearing was closed on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

There was a motion to approve the first reading of the ordinance adopting the staff's recommendation that was made by Mayor Pro Tem Goodman, seconded by Council Member Alvarez. There was a friendly amendment by Council Member Thomas to adopt the recommendations as follows:

- Approve NO-CO, Neighborhood Office -- Conditional Overlay Combining district, zoning
- The conditional overlay would 1) limit the development of the property to: a) religious assembly; b) day care services (all types); c) administrative and business offices; d) public primary education; e) public secondary education; f) private primary education; g) private secondary education; h) family home; i) group home (all types); j) community recreation (private); k) local utility services; and, l) special use historic.
- Approve NO, Neighborhood Office development standards for impervious cover (60%).
- Limit the number of motor vehicle trips to 579 per weekday and 1,266 per day on Sundays if access is taken to Peaceful Hill Lane. This allows for a 34,561 square foot sanctuary to be built. At the time Peaceful Hill Lane is widened along the subject tracts to a minimum of 40' pavement width, the number of trips across both tracts would increase to 2,000 per day. This allows for an additional 20,039 square feet of sanctuary space, bringing the total to 54,600 square feet.
- Prior to third reading of the zoning ordinance, the applicant is required to dedicate 30 feet of right-of-way from the existing centerline of Peaceful Hill Lane in accordance with the Transportation Criteria Manual, in order to accommodate the traffic generated by this site.

This was accepted by the maker of the motion, and Council Member Alvarez, who seconded the motion. It passed on a 7-0 vote.

- Z- 6 C14-02-0169 - Agape Christian Ministries - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7715 Byrdhill Lane (South Boggy Creek Watershed) from DR, Development Reserve district zoning to NO-CO, Neighborhood Office-Conditional Overlay Combining district zoning. Zoning and Platting Commission Recommendation: To grant NO-CO, Neighborhood Office-Conditional Overlay Combining district zoning. Applicant: Agape Christian Ministries (Bernard Wong). Agent: Crocker Consulting (Sarah Crocker). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.(Related Item Z-5)

The public hearing was closed on a motion by Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

There was a motion to approve the first reading of the ordinance adopting the staff's recommendation that was made by Mayor Pro Tem Goodman, seconded by Council Member Alvarez. There was a friendly amendment by Council Member Thomas to adopt the recommendations as follows:

- Approve NO-CO zoning
- The Conditional Overlay would prohibit development within the flood plain, with the exception of access to Dittmar Road, hike and bike trail, and amenities, if approved.
- Approve NO, Neighborhood Office development standards for impervious cover (60%).

- **Limit the number of motor vehicle trips to 579 per weekday and 1,266 per day on Sundays if access is taken to Peaceful Hill Lane. This allows for a 34,561 square foot sanctuary to be built. At the time Peaceful Hill Lane is widened along the subject tracts to a minimum of 40' pavement width, the number of trips across both tracts would increase to 2,000 per day. This allows for an additional 20,039 square feet of sanctuary space, bringing the total to 54,600 square feet.**
- **No access restrictions to Byrdhill Lane.**

This was accepted by the maker of the motion, and Council Member Alvarez, who seconded the motion. It passed on a 7-0 vote.

34. Discuss and consider possible action on policy issues regarding Travis County and City of Austin subdivision regulations, including Transportation Plan, Preliminary Plan expiration, Variances and Waivers, Fiscal Policy, Sidewalks, Gated Communities/Private Streets, Consolidation of Fees, Reviews and Inspections, Maintenance of Drainage Infrastructure in the ETJ, and County participation in Regional Stormwater Management Program.

This item was approved on the consent agenda.

The motion to reconsider Item 34 was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to give direction to staff to pursue continued negotiations with the County based on the House Bill 1445 Update on Policy Issues document given to Council during the meeting was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

Mayor Garcia recessed the Council Meeting at 6:00 p.m.

LIVE MUSIC

Cerronato

PROCLAMATIONS

Honorary Citizen Certificates - Koblenz Visitors - to be presented by Mayor Gus Garcia and to be accepted by the honorees

Honorary Citizen Certificates - Serbian Visitors - to be presented by Mayor Gus Garcia and to be accepted by the honorees

Proclamation - BiG Austin Micro Business of the Year Awards - to be presented by Mayor Gus Garcia and to be accepted by Jeannette Peten

Proclamation - Year of Sustainable Energy - to be presented by Council Member Will Wynn

Mayor Garcia reconvened the regular Council Meeting at 7:04 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

44. Conduct a public hearing on a proposed Ordinance repealing and replacing Chapter 12-5 of the City Code relating to the local regulation of smoking in public places. (No action will be taken on this item)

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

A motion to suspend the rules to allow Council to meet after 10 p.m. was approved on Council Member Thomas' motion, Council Member Wynn's second on a 7-0 vote.

45. Conduct a public hearing to consider a request for a waiver from the minimum distance requirement of Section 8-3-4(A) of the City Code to allow a proposed convenience store located at 2105 South Congress to sell beer and wine within 300 feet of Fulmore Middle School.

The public hearing was closed on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

Resolution No. 030410-45, approving the request for a waiver, was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 5-2 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman, and Council Members Dunkerley, Slusher and Wynn. Those voting nay were: Council Members Alvarez and Thomas.

14. Approve an ordinance to amend Ordinance No. 020910-04, the Fiscal Year 2002-2003 Neighborhood Planning and Zoning Department Fee Schedule, to establish a new neighborhood plan amendment application fee of \$450 for notification of a neighborhood plan amendment regarding an individual property (2nd and 3rd reading). (The Neighborhood Planning and Zoning Department anticipates that this fee will generate \$5,400 in revenue per year and anticipates collecting \$2,700 in revenue in the remainder of Fiscal Year 2003.) (Planning Commission adopted a resolution establishing a neighborhood plan amendment process and criteria for employing the process.)

Ordinance No. 030410-14 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

36. Consider amendments to Ordinance Number 030320-23 (the Neighborhood Plan Amendment Process). (Council Member Betty Dunkerley and Mayor Gus Garcia)

There was a motion by Council Member Dunkerley to approve the ordinance but repeal Part 9 relating to the super majority vote. Mayor Garcia seconded this motion.

Mayor Pro Tem Goodman offered a friendly amendment to have S.M.A.R.T. Housing projects require the signature of not fewer than three Council members or the approval of the neighborhood plan contact team or neighborhood planning team. This was not accepted by the maker of the motion.

There was a substitute motion by Mayor Pro Tem Goodman to delete Part 4 (G) and have the new (G) read, "Subsection (H) applies to the application for a project that: (1) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations; or

(2) promotes the recruitment or retention of an employment center with 100 or more employees; or (3) is a S.M.A.R.T Housing certified project in which at least 40 percent of the proposed units are reasonably priced. Part 4(I), (J) and (K) would be re-lettered as (H), (I) and (J). Part 9 would be repealed. Council Member Dunkerley seconded this for discussion purposes. Council Member Dunkerley withdrew her second after further discussion.

The substitute motion to postpone this item to May 8, 2003 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The motion to adjourn the meeting at 11:45 p.m. was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

The minutes for the regular meeting of April 10, 2003 were approved on April 24, 2003 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Garcia was absent.